

REMARKS

Initially, Applicant respectfully acknowledges that the Examiner has indicated that claims 2 and 4 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims, and claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

Claims 1-6 remain pending in the application. Claims 5 and 6 have been newly added for consideration.

Reconsideration of the rejections and allowance of the pending application in view of the foregoing amendments and following remarks are respectfully requested.

In the Office Action claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite because the limitations “the inverse U-shaped pipe” and “the vertical pipe” in lines 3 and 4 thereof have insufficient antecedent basis.

In response, claim 3 has been amended to be definite by changing “the inverse U-shaped pipe” and “the vertical pipe” thereof to --an inverse U-shaped pipe-- and --a vertical pipe--. Thus, the rejection of claim 3 under 35 U.S.C. 112, second paragraph, is now moot.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Winterling, U.S. Patent No. 7,017,629. This rejection is respectfully traversed.

Independent claim 1 has been amended to more clearly define a feature of the invention and to more clearly distinguish over the applied prior art reference by further reciting that the refill pipe has a generally S-shape. No new matter is believed to be

introduced by the present amendment. In this regard, the Examiner's attention is directed to Fig. 3 of Applicant's application.

A pipe structure of a windshield washer fluid feeding device of the present invention, as recited in amended claim 1, includes, inter alia, a refill pipe having a multiply-curved shape so as to define a wide space between the refill pipe and a head lamp unit of a vehicle, the refill pipe being joined at one end thereof to a windshield washer fluid reservoir tank, the refill pipe having a generally S-shape, and an auxiliary pipe connected at both ends thereof to the refill pipe and integrally formed with the refill pipe.

Applicant respectfully submits that the reference relied upon in the rejection under 35U.S.C. 102(b) does not disclose such a combination of features. In particular, in the presently claimed embodiment the refill pipe 41 has a generally S-shape, and this feature is not disclosed in Winterling.

In contrast, in Winterling, although the pipe appears to be curved, it is not generally S-shaped. Rather, the pipe is simply curved from the horizontal fill point to the tank 1.

Therefore, Winterling does not disclose each and every feature recited in claim 1, and thus cannot anticipate at least claim 1 of the present application. Thus, the Examiner's rejection of claim 1 under 35 U.S.C. §102 (b) is now moot.

Claim 2 has been rewritten in independent form as new claim 5 to include all the limitations of the base claim and any intervening claims, and claim 3 has been rewritten in independent form as new claim 6 to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in the Office Action and to include all of the limitations of the

base claim and any intervening claims.


Independent claims 1, 5 and 6 are now in condition for allowance in view of the amendments and the above-noted remarks. Dependent claims 2-4 are also submitted to be in condition for allowance in view of their dependence from the allowable base claim and also at least based upon their recitations of additional features of the present invention. It is respectfully requested, therefore, that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 112, second paragraph, be withdrawn and that an early indication of the allowance thereof be given.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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